

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**DAVID CHIPMON,**

**PLAINTIFF,**

**VS.**

**CIVIL ACTION NO.: 3:18-CV-223-CWR-FKB**

**THE UNITED STATES OF AMERICA,  
MISSISSIPPI BAND OF CHOCTAW  
INDIANS, AND WAYNE WILLIAMS,**

**DEFENDANTS.**

**RESPONSE IN OPPOSITION TO MOTION TO DISMISS TRIBAL  
DEFENDANTS' AMENDED CROSS-CLAIM**

COME NOW the Tribal Defendants by and through undersigned counsel, and for their Response in Opposition to the United States' Motion to Dismiss Tribal Defendants' Amended Cross-Claim (Doc. 31), state as follows:

1. To avoid unnecessary duplication of arguments and evidence already submitted to the Court in Tribal Defendants' Response in Opposition to Motion to Dismiss Cross-Claim and the memorandum filed in support of that Response (Docs. 23 and 24), the Tribal Defendants hereby incorporate the arguments there set out against dismissal and for entry of summary judgment for the Tribal Defendants on the intertwined jurisdictional and FTCA coverage questions here at issue. Accordingly, the Tribal Defendants request relief from the obligation to file a memorandum brief in support of this motion pursuant to Rule 7(b)(4) of the Local Uniform Rules of the United States District Courts for the Northern and Southern District of Mississippi.

2. Because of the complexity of the issues involved, the Tribal Defendants respectfully request per Local Rule 7(b)(6)(1) that the Court schedule a hearing at which oral argument may be presented on this matter.

Respectfully submitted,

**VanAMBERG, ROGERS, YEPA, ABEITA  
& GOMEZ, LLP**

s/ C. Bryant Rogers

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed electronically pursuant to CM/ECF procedures, which caused the parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

s/ C. Bryant Rogers